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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF DENTISTRY

In the Matter of	:	
	:	Administrative Action
JOHN HERBSTER, D.M.D.	:	
	:	
Licensed to Practice Dentistry:	:	CONSENT ORDER
in the State of New Jersey	:	
	:	

This matter was opened to the New Jersey State Board of Dentistry (hereinafter "the Board") upon receipt of a patient complaint from R.N. The complaint alleged that John Herbster, D.M.D. (hereinafter "respondent") rendered dental treatment to R.N. which failed to conform to standard dental practice in the State of New Jersey. Specifically, R.N.. alleged that respondent failed to do a proper root canal and crown on tooth #5, and that respondent encouraged further dental work by offering to waive the co-payment.

A review of the entire record, including an expert's report, reveals that the post and core build up for the crown on tooth #5 was inadequate, the crown on tooth #5 had to be recemented a number of times, and tooth #5 should not have been an abutment choice because of the inadequate retention. These failures constitute violations pursuant to N.J.S.A. 45:1-21 (c).

It appearing that respondent desires to resolve this matter without recourse to formal proceedings and for good cause shown:

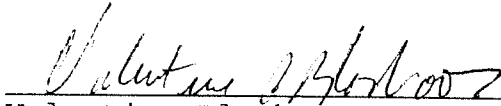
IT IS ON THIS 17th DAY OF December 1997,

HEREBY ORDERED AND AGREED THAT:

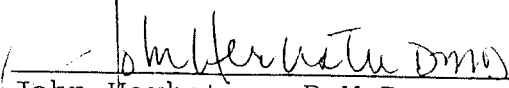
1. Respondent shall reimburse R.N. in the amount of \$550.00 for the crown on tooth #5 and \$560.00 for partial upper denture using tooth #5 as an abutment. A certified check or money order for the total amount of \$1,110.00 made payable to R.N. shall be sent within fourteen days of the entry date of this Consent Order to Ms. Agnes Clarke, Executive Director, State Board of Dentistry, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102.

2. Respondent is hereby assessed the costs of the investigation to the State in this matter in the amount of \$150.00. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than fourteen days from the entry of the within Consent Order. Payment shall be sent to Ms. Agnes Clarke, Executive Director, at the address stated in paragraph one.

NEW JERSEY STATE BOARD OF DENTISTRY


Valentine Bloch, D.D.S.
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.


John Herbster, D.M.D.